

Notice of Allowability	Application No.	Applicant(s)	
	09/938,224	NOSEK, LUKE PAUL	
	Examiner	Art Unit	
	Jennifer Liversedge	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/27/2006.
2. ☒ The allowed claim(s) is/are 1-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's response filed on July 27, 2006.

Allowable Subject Matter

Claims 1-27 are allowed. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

The following is an Examiner's statement of reasons for the indication of allowable subject matter: the prior art fails to teach or suggest the limitations of the independent claims.

Independent claim 1 discloses a method of accepting an ACH entry as a source of funds for a financial transaction wherein the funds may be made available before the ACH entry is completed wherein a first value is authorized against a credit source, an ACH entry is initiated, and if the ACH entry is rejected, the value authorized against a credit source is charged against that credit source. Dependent claims 2-13 and 26 are allowable as they follow from the allowable independent claim 1.

Independent claim 14 discloses a computer readable storage medium to carry out the method as disclosed in independent claim 1.

Independent claim 15 discloses a method of releasing value for a value transfer, where the value is provided via an ACH debit, before the ACH debit is completed, wherein a first value is authorized against a credit source, an ACH entry is initiated,

releasing the value to a second entity before the ACH debit is completed or fails, and if the ACH entry fails, the value authorized against a credit source is charged against that credit source. Dependent claims 16-22 and 27 are allowable as they follow from the allowable independent claim 15.

Independent claim 23 discloses a computer readable storage medium to carry out the method as disclosed in independent claim 15.

Independent claim 24 discloses a method of accepting an ACH debit as a source of funds transfer for a fund transfer, wherein the funds may be made available before the ACH debit is completed, in which a request is made to transfer funds, a credit source is charged this amount, an ACH debit for the first amount is initiated against a source other than the credit source, releasing the amount of transfer before the ACH debit is completed or fails, and if the ACH debit is successful, crediting the credited amount back to the credit source.

Independent claim 25 discloses a system for facilitating the transfer of value including a database to store financial data for a user including an identifier of an external user account and a credit source available to the user wherein the credit source is different from the external account; a request module to request a value to be retrieved from an external account; an ACH module to initiate an ACH debit transaction; a credit module to authorize, hold and charge a value against the credit source; a transfer module to release the value before the value is received from the external account wherein the first value is charged to the credit source is the ACH debit transaction is other than successful.

The primary difference between the claimed invention and the prior art is the charging of a value to be transferred via an ACH transaction against a separate credit source while waiting for an ACH transaction to clear, and if the ACH is successful, crediting back the credit source the amount of the credit.

While the prior art discloses a paper check which can be used to effect multiple forms of transactions, such as traditional check or ACH functions in U.S. Patent No. 6,243,689 B1 to Norton and European Patent No. 0 481 135 A1 to Josephson, neither reference teaches charging of a value to be transferred via an ACH transaction against a separate credit source while waiting for an ACH transaction to clear, and if the ACH is successful, crediting back the credit source the amount of the credit.

Prior art also discloses the combination of a check payment acting as an online debit transaction in which the check is processed as an ACH payment with check guarantee as disclosed by O'Sullivan. However, O'Sullivan does not disclose charging of a value to be transferred via an ACH transaction against a separate credit source while waiting for an ACH transaction to clear, and if the ACH is successful, crediting back the credit source the amount of the credit.

Gilje and Bendo disclose a merchant retaining a customer's credit card number in which deposits are payable by the credit card. However, neither Gilje nor Bendo disclose charging of a value to be transferred via an ACH transaction against a separate credit source while waiting for an ACH transaction to clear, and if the ACH is successful, crediting back the credit source the amount of the credit.

Campbell also discloses holding customer credit card numbers and automatically charging the card if the customer does not return the rented product. However, Campbell states "I really can't see anybody actually turning the charge in – and then canceling it – when it's simply a deposit." Campbell teaches away from the business sense of actually conducting a credit transaction while waiting for a subsequent activity to occur, and incurring the expense and time of "undoing" the charge when it was unnecessary initially. Campbell therefore does not disclose charging of a value to be transferred via an ACH transaction against a separate credit source while waiting for an ACH transaction to clear, and if the ACH is successful, crediting back the credit source the amount of the credit but rather teaches away from it.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at 571-272-6777. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer Liversedge

Examiner

Art Unit 3692



RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER